PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19th August 1965.

G. S. R. 642.—The draft of the following amendments to the Mysore Municipalities (Election of Councillors) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by sections 38 and 323 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964) is hereby published as required by sub-section (1) of Section 38 and 323 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 27th September 1965.

Any objection or suggestion which may be received from any person with respect to the said draft rules, by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to the Government of Mysore, Public Health, Labour and Municipal Administration Department, Vidhana Soudha, Bangalore-1.

DRAFT MYSORE MUNICIPALITIES (ELECTION OF COUNCILLORS) AMENDMENT RULES, 1965.

1. Title.—These rules may be called the Mysore Municipalities (Election of Councillors) (Amendment) Rules, 1965.

2. Amendment of rule 4.—In rule 4 of the Mysore Municipalities (Election of Councillors) Rules, 1965 (hereinafter called the principal rules)—

(*a*) in sub-rule (1), for the words "to every municipal council, the Commissioner shall, with the approval of the

Government" the following words shall be substituted, namely.—

"to every city municipal council, the Commissioner and to every town municipal council, the Deputy Commissioner shall",;

(b) in the proviso to sub-rule (1), after the word "Commissioner" the words "or Deputy Commissioner" shall be inserted.

3. Amendment of rule 41.—In clause (b) of sub-rule (1) of rule 41 of the principal rules, in the third line, for the word "candidate" the word "candidates" shall be substituted.

4. Amendment of rule 51.—In rule 51 of the principal rules, for the words "Counting of votes" occurring in the marginal heading, the words "Procedure of counting of votes" shall be substituted.

5. Amendment of rule 56.—In sub-rule (2) of rule 56 of the principal rules, clause (d) shall be deleted.

6. Amendment of rule 57.—In rule 57 of the principal rules,—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) The votes recorded on every ballot paper which is not rejected under rule 56 shall be counted:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.";

(2) after sub-rule (1), the following sub-rule shall be inserted, namely :—

"(1A) A vote recorded on a valid ballot paper shall be rejected if the mark indicating the vote or votes thereon is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote or votes, has or have been given.

Provided that where a voter has more votes than one, the vote or votes other than the rejected vote shall be duly counted."

7. Substitution of new rule for rule 61.— For rule 61 of the principal rules, the following rule shall be substituted, namely :—

"**61. Declaration of the result of election**.—(1) The returning officer shall, subject to the provisions of Section 20, if and so far as they apply to the particular cases, declare the results in the following manner, namely :—

(a) at an election in a division where there are only non-reserved seats, the returning officer shall declare such number of candidates equal to the number of seats in the division as have secured the highest number of votes in the descending order, to be duly elected ;

(b) at an election in a division where the seats to be filled include one or more seats reserved for Scheduled Castes or women, the returning officer shall first declare such candidate or candidates qualified to be chosen to fill the reserved seat or seats, who have secured the largest number of votes, to be duly elected to the reserved seat or seats, as the case may be, The returning officer shall thereafter declare from among the remaining candidates (including those who are qualified to be chosen for the reserved seat or seats) such of the candidates as have secured the highest number of votes in the descending order to be duly elected to the non-reserved seats.

Illustration:—At an election in a division to fill five seats of which one is reserved for Scheduled Castes and one for women, there are seven contesting candidates A, B, C, D, E, F, and G and they secure votes in descending order,

A securing highest number. B and D are qualified to be chosen to fill the seat reserved for Scheduled casters, and C E and G are qualified to be chosen to fill the seat reserved for women, while A and F are not qualified to fill either of the reserved seats. The returning officer shall first declare B duly elected to fill the seat reserved for Scheduled Castes and C duly elected to fill the seat reserved for women. He shall then declare A, D and E, and not A, F and G, duly elected to fill the remaining three seats.

(2) The returning officer shall thereafter complete and certify the return of election in Form 19 and send signed copies thereof to the Deputy Commissioner of the District, the Commissioner and the Government."

8. **Insertion of new rule 61A.**—After rule 61 of the principal rules, the following rule shall be inserted, namely:—

"**61A. Publication of the results of elections.**—On receipt of the return of election in Form 19, the Commissioner, in the case of city municipal council, and the Deputy Commissioner, in the case of a town municipal, shall forthwith publish the names of the persons elected in the official Gazette.

61B. Election to more than one division in a municipal council.—(1) If a person is elected to a municipal council from more than one division, he shall, by notice in writing signed by him, and delivered to the Deputy Commissioner of the District in the case of a town municipal council, and the Commissioner, in the case of a city municipal council, within seven days from the date of publication in the official Gazette that he has been so elected, or if such publications have been made on different dates, within seven days from the later of such dates, choose any one of the divisions which he shall serve and the choice shall be final.

(2) If the person does not make the choice within the period specified in sub-rule (1), the Deputy Commissioner, in the case of a town municipal council, and the Commissioner, in the case of a city municipal council, as the case may be, shall determine by lot and notify the division which such person shall serve.

(3) Such person shall be deemed to have been elected only for the division so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other division or divisions shall be filled up by election as if they were casual vacancies under section 19."

9. Amendment of rule 69.—In rule 69 of the principal rules, the words "by him" shall be deleted.

10. Insertion of new rules 70A and 70B.—After rule 70 of the principal rules, the following rules shall be inserted, namely:—

70A. Assistance to the returning officer.—The Municipal Commissioner, the Chief Officer and all other officers and servants of a municipal council shall render such assistance to the returning officer as may be required by him in the conduct of elections.

70B. Provision of funds for election.—The municipal council shall provide the returning officer with the necessary funds required for the conduct of election, on requisition from him and in advance."

11. Amendment of Form 1.—In form 1 appended to the principal rules, for item (1), the following shall be substituted, namely,—

"(1) The number of councillors to be elected from each of the divisions of the .... City

(2) Place a cross mark thus "x" against each of the candidates for whom you wish to vote ;

(3) The mark should be placed against not more than... ..... names ;

(4) *the candidates against whose name an asterisk is printed are persons eligible to fill the seats reserved for scheduled castes.

(5) **the candidates against whose names two asterisks are printed are persons eligible to fill the seats reserved for women."

15. Amendment of form 19.—For form 19 appended to the principal rules, the following form shall be substituted, namely,—

FORM 19.

Return of Election.

(*See* Rule 61)

Election to the.....from the.....Division

Return of election.

Sl. No.	Name of candidate	Number of valid votes given to the candidate
.....	.....	.....
.....	.....	.....

Total number of valid votes polled.....

Total number of rejected votes .....

Total number of tendered votes .....

I declare that

1. .... (Name)
   of..... (Address)
2. ....(name) .....
   of..... ..... (Address). etc.

has/have been duly elected to fill the seat/s reserved for the Scheduled Castes.

I declare that

1. ..... (Name)
   of..... ..... (Address)
2. .....(name) .....
   of .....(Address). etc.

has/have been duly elected to fill the seat/s reserved for women.

1. .....Name of.....(Address)
2. ....Name of.....(Address)

etc. has/have been duly elected to fill the non-reserved sea's "

Place..... .....
Date.....

Returning Officer.

[No. PLM 25 MLR 65].

By Order and in the name of the Governor of Mysore,

B. VENKATARAMIA, *Deputy Secretary* (*Special*),